

REMARKS

Reconsideration and the timely allowance of the pending claims, in view of the following remarks, are respectfully requested.

In the Office Action of March 20, 2007, the Examiner rejected claims 11-35 and 39-48, under 35 U.S.C. §101, as allegedly being directed to non-statutory subject matter; rejected claims 11-35 and 39-48 under 35 U.S.C. §112,¶1, as allegedly failing to comply with the enablement requirement; rejected claims 11, 14-15, 20-21, 23, 25-26, 31-32, 34-35, 39, 44, and 46, under 35 U.S.C. §112,¶2, as allegedly failing being indefinite; and rejected claims 1-48, under 35 U.S.C. §102(b), as allegedly being anticipated by Sigler '830 (U.S. Patent. No. 5,717,830).

By this Amendment, claims 1-3, 11, 14-15, 20-21, 23, 25-26, 31-35, 39-41, and 44-48 have been amended to provide a clearer presentation of the claimed subject matter. No new matter has been introduced. As such, claims 1-48 are currently presented for examination, of which claims 1, 3, 5, 8, 11, 20, 21, 23, 31, 32, 36, 39, and 40 are independent.

Applicants respectfully disagree with each of these prior art rejections and, therefore, respectfully traverse the same.

I. Non-Statutory Subject Matter Rejections.

The Examiner's §101 rejections were based on the assertion that it is unclear whether the claim term "server" or the claim term "mechanism" perform the recited functions. The Examiner also asserted that the claims do not provide a useful, concrete, or tangible result. (Office Action, page 2).

Applicants strenuously disagree. However, solely in an effort to expedite the examination of the present application, the claims have been amended to now read that "group server being configured to receive voice packets", "group server being configured to grant a speech item", and "group server being configured to unicast each voice packet". Applicants submit that these changes clarify the claimed subject matter.

Applicants further submit that each of the rejected claims do, in fact, provide a useful, concrete, and tangible result. For example, in claim 11, each voice packet is unicast (sent); in claim 20, the selected traffic stream is forwarded to the one group member; in claim 21, group related communications and unicast voice packets are routed between the first and second server; in claim 23, the selected traffic stream is forwarded to the one group member; in claim 33, the selected voice packet stream is forwarded to the user; and in claim 40, the sending of voice packets is started or stopped.

For at least these reasons, Applicants submit that the non-statutory subject matter rejections of claims 11-35 and 39-48 have been overcome. Accordingly, the immediate withdrawal of the §101 rejection is respectfully requested.

II. Enablement and Indefinite Rejections.

The Examiner's §112, ¶1 rejections were based on the assertion that the claim term "mechanism" which performs the recited functions is not enabled by the Specification. Regarding the §112, ¶2 rejections, the Examiner asserted that the numerous recitations of the claim term "mechanism" lacks sufficient antecedent basis.

As noted above, the claims have been amended to now read that "group server being configured to receive voice packets", "group server being configured to grant a speech item", and "group server being configured to unicast each voice packet". Applicants submit that these changes are both amply supported and enabled by the Specification and are sufficiently definite.

For at least these reasons, Applicants submit that the non-enablement rejections of claims 11-35 and 39-48 and the indefiniteness rejections of claims 11, 14-15, 20-21, 23, 25-26, 31-32, 34-35, 39, 44, and 46 have been overcome. Accordingly, the immediate withdrawal of the §112, ¶1 and §112, ¶2 rejections are respectfully requested.

III. Prior Art Rejections.

As indicated above, each of independent claims 1, 3, 5, 8, 11, 20, 21, 23, 31, 32, 33, and 39, is directed to and positively recites a *packet mode group voice communication* feature or service. The claims also recite, in one form or another, that the packets are sent, routed, and forwarded to their destinations based on addresses in the packets.

Such features are amply supported by the embodiments disclosed in the written description. (*See, e.g.*, Specification: page 3, line 8-25; page 10, lines 1-10). In particular, the disclosed embodiments provide a mainstream cellular radio network that functions as a radio access network on top of which a *packet mode* (*e.g. IP based*) *group communication* service. In one embodiment, the group communication service is implemented as a *Voice over IP (VoIP)* data application on top of the *IP data service* of the mobile radio network, such as *GPRS* service (General Packet Data Service). The embodiments also provide that the mobile radio access network (RAN) provides IP packet data service based on the GPRS architecture.

With this said, the Examiner has asserted that the packetization of data, such as TDMA, CDMA, ATM *etc.*, is well known in the art, that the packet-switching feature relied upon by Applicants is not claimed, and that limitations from the Specification cannot be read into the claims. (*See*, Advisory Action, items 6-7). Applicants strenuously disagree.

Applicants first submit any artisan of ordinary skill would readily appreciate that, given the passages identified above and the context of the services targeted (*e.g.* VoIP, GPRS, packet mode IP-based group communication service, *etc.*), it is clear that the claimed “packet mode group voice communication” can only correspond to group voice capability in packet switched communications. This is not based on reading limitations from the Specification into the claims – rather, the claims must be construed in light of the Specification and the disclosed embodiments clearly support one interpretation. To deny this interpretation because the claims recite “packet mode” instead of “packet switched,” when the claim meaning is clear given the disclosed embodiments, is manifestly unfair and exalts form over substance.

Applicants further submit that the Examiner has unreasonably and unrealistically interpreted the claimed “packet mode group voice communication” to mean any type of packetized data format, including TDMA and CDMA. This excessively broad construction not only flies in the face of the disclosed embodiments, it belies the ordinary level of skill in the art. For example, TDMA and CDMA are multi-access schemes – *not* packet switched-based communications. That is, consecutive TDMA or CDMA time slots comprise a frame and each time slot provides one *circuit-switched connection* in which all the data within the

time slot is transmitted from a predetermined transmitter to a predetermined receiver. The TDMA or CDMA frame cannot, in any way, be construed as a “packet” within a packet switch communication scheme, as the frame operates on a ***circuit-switched connection*** – which is antithetical to packet-switched communications - and does not contain address information that is individually routed based on the address information.

Moreover, the Examiner’s contentions that Sigler ‘830 teaches each and every element of the claims must fail. First, Sigler ‘830 is directed to a satellite trunked radio service system for satellite communications utilizing a shared satellite demand period circuit associated with private voice networks. (*See, Sigler ‘830*: col. 1, lines 16-18). In so doing, Sigler ‘830 clearly and categorically states that its system provides point-to-multipoint ***circuit switched connections*** between mobile terminal subscriber stations and a central base station. (*See, Sigler ‘830*: col. 13, lines 39-43). As noted above, circuit switched connectivity is the very antithesis of packet switched communications. As such, Sigler ‘830 effectively teaches away from packet mode group voice communications, as required by the claims.

Second, the Sigler ‘830 passages relied on by the Examiner merely mention, by way of background, conventional elements of a satellite network system, such as earth terminals (METs), earth stations (FESs), network control systems (NCSs), network operating center (NOC) as well as satellite service capabilities, such as telephone services (MTSs), radio services (MRSs), and mobile data services (MDS). These passages also include a glossary of terms. However, these passages do very little in teaching the claimed combination of features. In fact, the only place that Sigler ‘830 mentions “IP” and “TCP/IP” is in the glossary – even then, the glossary ***only spells out the acronyms*** and teaches absolutely nothing.

Further, the Examiner errantly asserted that the combination of NOC and GC correspond to the claimed group server layered on top of the communications system and sending real-time transfer protocol voice packets from one of said group members to said group server. Consistent with industry nomenclature, Sigler ‘830 defines NOC as managing and controlling the resources of the satellite network system and carrying out the administrative functions associated with the management of the total satellite network system and communicates with LANs while the GC is defined as an NCC physical entity consisting of processing resources to provide real time control. (*See, Sigler ‘830*: col. 3, line 64 – col. 4,

line 3; col. 5, lines 49-52). Sigler '830 clearly shows that the NOC and GC (part of the NCC) provide an administrative interface between the system and various elements including satellites. (*See, Sigler '830: FIG. 3.*)

In so doing, it is absolutely clear that Sigler '830 does not teach or suggest a group server layered on top of the communications system or sending real-time transfer protocol voice packets from one of said group members to said group server, as claimed. The NOC provides an interface and communicates administrative data between the various elements but does not, in any way, function as a group server that is *layered on top* of the communication system nor is it capable of providing individual addresses to group members – much less transmitting or receiving voice packets, as required by the claims.

Similarly, the GC is a controlling network element that merely assigns the circuit switched channel used by the system. As such, the GC does not function as a group server nor is it layered on top of the communication system. Furthermore, other than assigning the channel to be used, the GC has nothing to do with the transmission or receipt of voice packets, as required by the claims.

For at least these reasons, Applicants submit that Sigler '830 is incapable of teaching each and every element of independent claims 1, 3, 5, 8, 11, 20, 21, 23, 31, 32, 33, and 39. As such, these claims are patentable. And, because the dependent claims depend from the independent claims, the dependent claims are also patentable at least by virtue of dependency as well as for their additional recitations.

III. Conclusion.

All matters having been addressed and in view of the foregoing, Applicants respectfully request the entry of this Amendment, the Examiner's reconsideration of this application, and the immediate allowance of all pending claims.

Applicant's Counsel remains ready to assist the Examiner in any way to facilitate and expedite the prosecution of this matter. If any point remains at issue in which the Examiner feels may be best resolved through a personal or telephone interview or if the Examiner has suggestions for moving the case forward, please contact the Undersigned at the telephone number listed below.

LOPPONEN ET AL. -- 09/835,867

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Supplemental Amendment in Response to

Notice of Non-Compliant Amendment mailed 6/18/07

Please charge any fees associated with the submission of this paper to Deposit Account Number **03-3975**.

The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

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Respectfully submitted,

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